

NATIONAL MARINE FISHERIES SERVICE
APPLICATION INSTRUCTIONS FOR PERMITS FOR THE INCIDENTAL TAKE
OF ENDANGERED OR THREATENED SPECIES UNDER THE ENDANGERED SPECIES ACT
In coordination with, but not substituting for 50 CFR 222.22
OMB control number (0648-0230) Expiration date for clearance: 03/31/2006

Information Required in the Application

The Assistant Administrator may issue permits to take endangered or threatened marine species incidentally to an otherwise lawful activity under section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA). The information collection associated with the following application instructions is required for the purpose of obtaining such a permit. The information provided will be used to process the incidental take permit in accordance with the ESA, including the solicitation of public comments on the justification of the take of ESA-listed species incidental to proposed activities. The information provided by an applicant in accordance with these instructions is not confidential and is subject to public exposure for comments. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the address below.

An application for a permit should provide all of the following information. The information needed in the application should be presented in the same structure and format shown below to increase processing efficiency. When a question does not apply, do not overlook the category, but indicate Not Applicable (N.A.). In some cases, a brief explanation as to why the category is not applicable may expedite processing. Please note that for the title and closing statement of the application, specific wording is required.

If the applicant represents an individual or a single entity, such as a corporation, the application should be for an individual incidental take permit. If the applicant represents a group or organization whose members conduct the same or a similar activity in the same geographical area with similar impacts on endangered or threatened marine species, the application should be for a general incidental take permit. To be covered by a general incidental take permit, each individual conducting the activity must have a certificate of inclusion issued under paragraph (f) of 50 CFR 222.22. NMFS estimates a public reporting burden of .5 hour for each certificate of inclusion. The sufficiency of applications will be determined by the Assistant Administrator in accordance with the requirements of 50 CFR 222.22.

Where to Send the Application

The application may be submitted electronically, if possible (either by email or by mailing a disk), but one signed original of the complete application must be sent to:

Chief, Endangered Species Division,
National Marine Fisheries Service, F/PR3
1315 East-West Hwy.
Silver Spring, Maryland 20910
Telephone (301) 713-1401, Fax (301) 713-0376

Modifications to Permits

Requests for modifications to incidental take permits should address all applicable sections of these instructions, including a detailed description of the proposed changes. Appropriate changes should also be made to the Conservation Plan. Modification requests involving an increased number of animals, additional species, an increased risk to the animals, or a significant change in the location of incidental take are subject to the 30-day public review and are granted or denied at the discretion of the Assistant Administrator for Fisheries.

- I. One of the titles below as appropriate:
 - A. Application for an Individual Incidental Take Permit under the Endangered Species Act of 1973.
 - B. Application for a General Incidental Take Permit under the Endangered Species Act of 1973.
- II. Date of the application.
- III. The name, address, telephone, and fax number of the applicant. If the applicant is a partnership, corporate entity or is representing a group or organization, include applicable details.
- IV. A description of the endangered or threatened species, by common and scientific name, and a description of the status, distribution, seasonal distribution, habitat needs, feeding habits and other biological requirements of the affected species.
- V. A detailed description of the proposed activity, including, but not limited to:
 - A. The anticipated dates and duration of the activity.
 - B. The specific location of the activity. Please include latitude/longitude coordinates if possible.
 - C. For a general incidental take application, include an estimate of the total level of activity expected to be conducted.
- VI. The application must include a conservation plan based on the best scientific and commercial data, which specifies:
 - A. The anticipated impact of the proposed activity on the listed species, including:
 - 1. The estimated number of animals of the listed species and, if applicable, the subspecies or population group, and range.
 - 2. The type of anticipated taking, such as harassment, predation, competition for space and food, etc.
 - 3. The effects of the take on the listed species, such as descaling, altered spawning activities, potential for mortality, etc.
 - B. The anticipated impact of the proposed activity on the habitat of the species and the likelihood of restoration of the affected habitat.
 - C. The steps that will be taken to monitor, minimize, and mitigate such impacts, including:
 - 1. Specialized equipment, methods of conducting activities, or other means.
 - 2. Detailed monitoring plans.
 - 3. Funding available to implement measures taken to monitor, minimize and mitigate impacts.
 - D. The alternative actions to such taking that were considered and the reasons why those alternatives are not being used.

- E. A list of all sources of data used in preparation of the plan, including reference reports, environmental assessments and impact statements, and personal communications with recognized experts on the species or activity who may have access to data not published in current literature.

An application for a certificate of inclusion under a General incidental take permit must include the following:

1. General incidental take permit under which the applicant wants coverage;
2. Applicant's name, address and telephone number (if the applicant is a partnership or corporate entity, then the applicable details);
3. Description of the activity the applicant wants covered under the general permit, including anticipated geographic range and season; and
4. Signed statement that the applicant has read and understood the general incidental take permit and the conservation plan, will apply with the applicable terms and conditions, and will fund the applicable measures of the conservation plan.